

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARY L. WHITE,	:	CHIEF JUDGE ZIEGLER
	:	MAGISTRATE JUDGE
	:	MITCHELL
Plaintiff,	:	
	:	
vs.	:	CIVIL ACTION NO:
	:	NO: 00-2466
SHAYEN A. GEORGE, M.A.,	:	
	:	
Defendant.	:	

MOTION FOR PROTECTIVE ORDER FILED ON BEHALF OF ASSOCIATES IN  
COUNSELING AND CHILD GUIDANCE

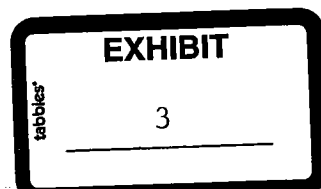
Pursuant to Rule 26 of the Federal Rules of Civil Procedure, Associates In Counseling and Child Guidance, Inc., by and through their undersigned counsel, Jones, Gregg, Creehan & Gerace LLP. hereby respectfully move this Honorable Court to enter a Protective Order to prevent discovery of financial information and confidential commercial information of Associates in Counseling and Child Guidance, Inc., and in support thereof states as follows<sup>1</sup>:

1. The Plaintiff Mary L. White ("White") served Subpoenas upon the following non-parties pursuant to Federal Rule of Civil Procedure 45:

- a) Associates in Counseling and Child Guidance, Inc. (Subpoena attached hereto as Exhibit "A");
- b) Richard J. Gold, Esquire (Subpoena attached hereto as Exhibit "B");

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<sup>1</sup>ACCG hereby incorporates its Motion for Order Quashing Subpoenas for Deposition and Production of Documents and Brief in Support of Motion for Protective Order as if fully set forth at length.



- c) McGill, Power, Bell & Associates, LLP (Subpoena attached hereto as Exhibit "C"); and
- d) Black, Bashor & Porsch, LLP (Subpoena attached hereto as Exhibit "D").

2. Richard J. Gold, Esquire ("Attorney Gold") has acted as an attorney for ACCG in clinic related licensing matters and as corporate counsel for Associates in Child Guidance Inc.

3. McGill, Power, Bell and Associates LLP and Black, Bashor & Porsch, LLP (collectively referred to as "Accounting Firms") have provided accounting services to ACCG and ACG. The Accounting Firms have also been retained by counsel for ACCG to provide expert witness testimony and opinions in anticipation of litigation in the four (4) cases currently pending before the Mercer County Court of Common Pleas, wherein White, George and ACCG are parties.

4. The document requests attached to the Subpoenas directed to the Accounting Firms request the following documents be produced relative to ACCG:

- (1) All documentation produced, utilized and/or regarding the incorporation and the conducting of business of Associates in Counseling and Child Guidance, Inc.
- (2) All financial documentation of Associates in Counseling and Child Guidance, Inc.

5. Similarly, the Subpoenas issued to Attorney Gold and ACCG, contain the following over-broad discovery requests:

- (1) All documentation produced, utilized and/or regarding the incorporation and the conducting of business of Associates in Counseling and Child Guidance, Inc.

- (2) All financial documentation of Associates in Counseling and Child Guidance, Inc.
- (3) All documentation produced, utilized and/or regarding the incorporation of and the conducting of business by both Associates in Child Guidance, Inc. and Associates in Counseling and Child Guidance Inc. and the retreat conducted by Richard J. Gold, Esquire regarding both Associates in Child Guidance, Inc. and Associates in Counseling and Child Guidance, Inc.

6. The remaining two requests propounded in the ACCG and Attorney Gold Subpoenas requested ACG documents (Request Nos. 3 and 4).

7. Neither Attorney Gold, ACCG, nor the accounting firms are parties to this action.

8. The document requests seek information which is privileged and/or other protected financial matter.

9. The document request required disclosures of confidential research, development and commercial information.

10. The Courts have the power to grant confidentiality orders over material not on file with the court that a district court retains the power to modify or lift confidentiality orders that it has entered. Seattle Times Co. v. Rhinehart, 467 U.S. 20, 33 n. 19 (1984); Pansy v. Borough of Stroudsburg, 23 F.3d 772, 784-85 (3d. Cir 1994).

11. Similarly, Fed. R. Civ. P. 26 (c)(7) permits "a party" or "person from whom discovery is sought" to move the court for a protective order and provides that "for good cause shown," the court "may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression or

undue burden or expense including ... that a trade secret or other confidential research, development or commercial information not be revealed or be revealed only in a designated way ...". Thus, the power to grant confidentiality orders is not unlimited and such orders should not be granted arbitrarily. Lee v. A.R.T. Studio Clay Company, Inc. 2001 WL 503393 (E.D. Pa. 2001).

12. It has been held by the Third Circuit that "good cause" is established when it is specifically demonstrated that disclosure will cause a clearly defined and serious injury to the party seeking disclosure. Glenmede Trust Company v. Thompson, 56 F.3d 476, 483 (3d. Cir. 1995), citing Pansy, 23 F.3d at 787-791.

13. The Third Circuit has further recognized several factors, which are neither mandatory nor exhaustive, that may be considered in evaluating whether good cause exists:

- 1) whether disclosure will violate any privacy interests;
- 2) whether the information is being sought for a legitimate purpose or for an improper purpose;
- 3) whether disclosure of the information will cause a party embarrassment;
- 4) whether confidentiality is being sought over information important to public health and safety;
- 5) whether the sharing of information among litigants will promote fairness and efficiency;
- 6) whether a party benefiting from the order of confidentiality is a public entity or official; and
- 7) whether the case involves issues important to the public.

Glenmede Trust Company v. Thompson, 56 F.3d 476, 483 (3d. Cir. 1995), citing Pansy, 23 F.3d at 787-791.

14. White has formed and currently operates a mental health agency known as the Family Counseling and Children's Services (hereinafter "FCCS"). A copy of the articles of incorporation are attached hereto as Exhibit "E"

15. FCCS directly competes with ACCG in the marketplace.

16. The documents which White is requesting seek confidential commercial and proprietary information of ACCG.

17. White's only purpose for seeking ACCG's financial records is to use the information contained in those records to benefit White's competing agency, FCCS. Therefore, there is no legitimate purpose for seeking discovery of ACCG financial documents.

18. White attempted to obtain confidential corporate and financial records of ACCG in the various State Court actions, in Mercer County, wherein ACCG and White are parties. The Mercer County Court refused to allow the disclosure of the corporate financial information, because such information was deemed confidential. Thus, White is attempting to circumvent the State Court action and obtain confidential information in the Federal Court.

19. ACCG is a mental health Clinic and access to its confidential, financial, and other records is substantially detrimental to the public.

20. The documents sought are not reasonably calculated to lead to admissible evidence in this litigation. To the contrary,

the financial records are being sought only for the illegitimate purposes of giving FCCS a competitive advantage in the market place.

21. The document requests are not limited in time and seek every financial record of ACCG, which includes thousands of documents. Therefore, the requests are overbroad and should be stricken.

22. The records requested seek privileged attorney work-product materials, attorney/client protected materials, accountant/client privilege materials and materials prepared in anticipation of litigation in the various lawsuits between ACCG and White, which are currently before the Court of Common Pleas of Mercer County.

23. ACCG is a non-profit mental health clinic, and is not a party to this action.

24. In the *ad damnum* clauses of her Complaint, White claims that she is entitled to lost compensation from ACG and ACCG; and loss of the value of her investment in ACG and ACCG. (Fed. Compl. at ¶139 (b) (d).)

25. White was terminated by the ACCG Board of Directors. Thus, lost compensation claims cannot be asserted in the instant litigation. In any event, the compensation which White earned as of the date of her termination is known to her and does not require discovery of ACCG financial information.

26. ACCG is a non-profit Corporation, which has no investors and no owners as a matter of law. Therefore, White

could not invest in ACCG and financial records are thereby irrelevant to her claim.

27. As a non-profit mental health clinic, ACCG's financial records have absolutely no relevance to the litigation between White and George.

28. The Subpoenas require disclosure of trade secrets and confidential commercial information which is irrelevant to the litigation.

29. The documents sought by the Subpoenas are records of ACCG which include trade secrets and confidential commercial and client information of ACCG. Thus, under no circumstances should any financial information of ACCG be disclosed to the public.

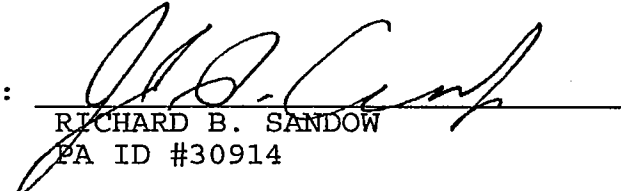
30. This Motion for Protective Order and the Motion to Quash filed contemporaneously herewith constitute objections to the Subpoenas issued pursuant to Federal Rules of Civil Procedure 45(c)(2)(B).

WHEREFORE, Associates in Counseling and Child Guidance hereby respectfully request that this Court enter a Protective Order precluding discovery of any financial and commercial information relating to Associates in Counseling and Child Guidance, Inc.

Respectfully submitted,

JONES, GREGG, CREEHAN & GERACE, LLP

BY:



RICHARD B. SADOW  
PA ID #30914

DAVID M. HUNTLEY  
PA ID #59960

JOHN P. CORCORAN, JR., ESQUIRE  
PA ID # 74906

JONES, GREGG, CREEHAN & GERACE, LLP  
Firm #140

411 SEVENTH AVENUE, SUITE 1200  
PITTSBURGH, PA 15219-1905  
(412) 261-6400

COUNSEL FOR ASSOCIATES IN  
COUNSELING AND CHILD GUIDANCE, INC.



IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARY L. WHITE,	:	CHIEF JUDGE ZIEGLER
	:	MAGISTRATE JUDGE
	:	MITCHELL
Plaintiff,	:	
	:	
vs.	:	CIVIL ACTION NO:
	:	NO: 00-2466
SHAYEN A. GEORGE, M.A.,	:	
	:	
Defendant.	:	

ORDER OF COURT

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2001, upon consideration of the Motion for Protective Order filed by Associates in Counseling and Child Guidance, and argument thereon, it is hereby ORDERED, ADJUDGED AND DECREED that the Motion for Protective Order is GRANTED. Discovery of financial and commercial information related to Associates in Counseling and Child Guidance is not permitted.

BY THE COURT:

\_\_\_\_\_  
J.

Issued by the  
**UNITED STATES DISTRICT COURT**

WESTERN

DISTRICT OF

PENNSYLVANIA

MARY L. WHITE

V.

SHAYEN A. GEORGE, M.A.

**SUBPOENA IN A CIVIL CASE**

CASE NUMBER: ' 00-2466

This subpoena is invalid, and imposes no duty on the person served to appear anywhere, if it was not served together with the fees for one day's attendance and mileage. FURTHER, this subpoena imposes no duty on anyone to produce documents or things at his or her own

TO: Associates In Counseling And  
Child Guidance, Inc.

272 East Connelly Blvd., Sharon, PA <sup>expense</sup> 16146

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

(See Attached Exhibit "A")

PLACE

272 East Connelly Blvd., Sharon, PA 16146

DATE AND TIME

September 5, 2001  
2:30 p.m.

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

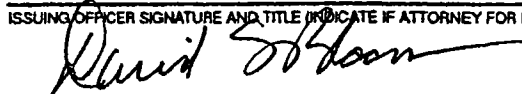
PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE



Attorney for Plaintiff

August 22, 2001

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

David S. Bloom, Esquire, 428 Blvd. of the Allies, Pittsburgh, PA 15219

(See Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D on Reverse)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

EXHIBIT

A

PROOF OF SERVICE

SERVED DATE August 22, 2001 PLACE 272 East Connelly Boulevard Sharon, PA 16146

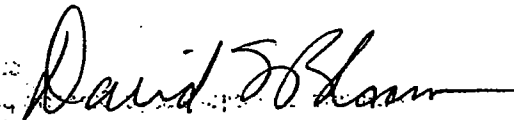
SERVED ON (PRINT NAME) Associates In Counseling And Child Guidance, Inc. MANNER OF SERVICE United States Mail, Restricted Delivery, Certified Mail, Return Receipt Requested

SERVED BY (PRINT NAME) David S. Bloom, Esq. TITLE Attorney for Plaintiff

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on August 22, 2001 DATE

  
SIGNATURE OF SERVER

428 Boulevard of the Allies  
ADDRESS OF SERVER

Pittsburgh, PA 15219

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in

person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARY L. WHITE,

Plaintiff,

vs.

SHAYEN A. GEORGE, M.A.,

Defendant.

CIVIL

CHIEF JUDGE ZIEGLER  
MAGISTRATE JUDGE MITCHELL

Civil Action No. 00-2466

JURY TRIAL DEMANDED

**EXHIBIT "A" TO SUBPOENA**

To: Associates in Counseling and Child Guidance, Inc.  
272 East Connelly Blvd.  
Sharon, PA 16148

**DOCUMENTS TO BE PRODUCED**

The words "Document" or "Documents" are used in their customary broad sense as set forth in the Federal Rules of Civil Procedure and includes without limits on all written, printed, recorded or graphic matter, photographic matter or sound reproductions, however produced or reproduced, in the actual or constructive possession, custody, care or control of the Defendant, his agents, employees, representatives and attorneys, or any of them, and/or other third parties as designated herein, and whether or not now in existence, including, but not limited to originals or copies (where originals are unavailable or where the copy differs in any respect from the original) including, without limiting the generality of the foregoing, letters, correspondence, notes, tapes, microfilms, telegrams, notes and sound recordings, minutes of directors' meetings and of committee meetings, minutes of all other types of meetings, magnetic tapes, computer discs of any size, CDs, computer hard drives, Internet accounts, e-mails, PDAs (personal digital assistants or handheld computers), network or computer servers, memoranda of all types, inter-office

communications, studies, summaries, analyses, reports, opinions, offerings, solicitations, and results of investigations. Further, the words "Document" or "Documents" are intended to refer to any medium by which information is recorded including "papers" of any kind or character, photographs and any method or medium by which information is utilized by computers of any size or devices which utilize computer processing chips and/or megabytes.

1. All documentation produced, utilized and/or regarding the incorporation and the conducting of business of Associates in Counseling and Child Guidance, Inc.
2. All financial documentation of Associates in Counseling and Child Guidance, Inc.
3. All documentation produced, utilized and/or regarding the incorporation and the conducting of business of Associates in Child Guidance, Inc.
4. All financial documentation of Associates in Child Guidance, Inc.
5. All documentation produced, utilized and/or regarding the incorporation of and the conducting of business by both Associates in Child Guidance, Inc. and Associates in Counseling and Child Guidance, Inc., and the retreat conducted by Richard J. Gold, Esquire regarding both Associates in Child Guidance, Inc. and Associates in Counseling and Child Guidance, Inc.

Issued by the  
**UNITED STATES DISTRICT COURT**

EASTERN

DISTRICT OF

PENNSYLVANIA

MARY L. WHITE

**V.**

SHAYEN A. GEORGE, M.A.

**SUBPOENA IN A CIVIL CASE**

CASE NUMBER: '00-2466

(Western District of Pennsylvania)

This subpoena is invalid, and imposes no duty on the person served to appear anywhere, if it was not served together with the fees for one day's attendance and mileage. FURTHER, this subpoena imposes no duty on anyone to produce documents or things at his or her own expense.

TO: Richard J. Gold, Esquire  
 1608 Walnut Street  
 Philadelphia, PA 19103

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

(See Attached Exhibit "A")

PLACE

1608 Walnut Street, Philadelphia, PA 19103

DATE AND TIME

September 6, 2001  
 1:00 p.m.

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

*David S. Bloom*

Attorney for Plaintiff

August 22, 2001

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

David S. Bloom, Esquire, 428 Blvd. of the Allies, Pittsburgh, PA 15219

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)

If action is pending in district other than district of issuance, state district under case number.

**EXHIBIT**

**B**

## PROOF OF SERVICE

SERVED August 22, 2001 Richard J. Gold, Esq. David S. Bloom, Esq.	PLACE 1608 Walnut Street Philadelphia, PA 19103 MANNER OF SERVICE United States Mail; Restricted Delivery, Certified Mail, Return Receipt Requested TITLE Attorney for Plaintiff
--	--

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on August 22, 2001  
 DATE

  
 SIGNATURE OF SERVER

428 Boulevard of the Allies  
 ADDRESS OF SERVER

Pittsburgh, PA 15219

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

## (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in

person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

## (d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARY L. WHITE,

Plaintiff,

vs.

SHAYEN A. GEORGE, M.A.,

Defendant.

CIVIL

CHIEF JUDGE ZIEGLER  
MAGISTRATE JUDGE MITCHELL

Civil Action No. 00-2466  
(IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF PENNSYLVANIA)

JURY TRIAL DEMANDED

**EXHIBIT "A" TO SUBPOENA**

To: Richard J. Gold, Esquire  
1608 Walnut Street  
Philadelphia, PA 19103

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computers), network or computer servers, memoranda of all types, inter-office communications, studies, summaries, analyses, reports, opinions, offerings, solicitations, and results of investigations. Further, the words "Document" or "Documents" are intended to refer to any medium by which information is recorded including "papers" of any kind or character, photographs and any method or medium by which information is utilized by computers of any size or devices which utilize computer processing chips and/or megabytes.

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- 4. All financial documentation of Associates in Child Guidance, Inc.**
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Issued by the  
**UNITED STATES DISTRICT COURT**

WESTERN

DISTRICT OF

PENNSYLVANIA

MARY L. WHITE

V.

SHAYEN A. GEORGE, M.A.

**SUBPOENA IN A CIVIL CASE**

CASE NUMBER: 00-2466

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TO: McGill, Power, Bell & Associates, LLP  
3110 Highland Road  
Hermitage, PA 16148

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

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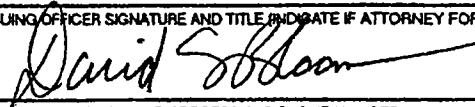
(See Attached Exhibit "A")

PLACE 3110 Highland Road, Hermitage, PA 16148	DATE AND TIME September 5, 2001 12:30 p.m.
--	--

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)  Attorney for Plaintiff	DATE August 22, 2001
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER David S. Bloom, Esquire, 428 Blvd. of the Allies, Pittsburgh, PA 15219	

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

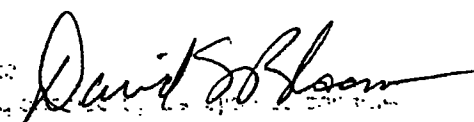


**PROOF OF SERVICE**

	DATE	PLACE
SERVED	August 22, 2001	3110 Highland Road, Hermitage, PA 16148
SERVED ON (PRINT NAME)		MANNER OF SERVICE
McGill, Power, Bell & Associates, LLP		United States Mail, Restricted Delivery, Certified Mail, Return Receipt Requested
SERVED BY (PRINT NAME)		TITLE
David S. Bloom, Esq.		Attorney for Plaintiff

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on August 22, 2001	 SIGNATURE OF SERVER
DATE	

428 Boulevard of the Allies  
ADDRESS OF SERVER

Pittsburgh, PA 15219

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in

person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

**(B) If a subpoena**

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

**(d) DUTIES IN RESPONDING TO SUBPOENA.**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARY L. WHITE,

Plaintiff,

vs.

SHAYEN A. GEORGE, M.A.,

Defendant.

CIVIL

CHIEF JUDGE ZIEGLER  
MAGISTRATE JUDGE MITCHELL

Civil Action No. 00-2466

JURY TRIAL DEMANDED

**EXHIBIT "A" TO SUBPOENA**

**To: McGill, Power, Bell & Associates, LLP  
3110 Highland Road  
Hermitage, Pennsylvania 16148**

**DOCUMENTS TO BE PRODUCED**

The words "Document" or "Documents" are used in their customary broad sense as set forth in the Federal Rules of Civil Procedure and includes without limits on all written, printed, recorded or graphic matter, photographic matter or sound reproductions, however produced or reproduced, in the actual or constructive possession, custody, care or control of the Defendant, his agents, employees, representatives and attorneys, or any of them, and/or other third parties as designated herein, and whether or not now in existence, including, but not limited to originals or copies (where originals are unavailable or where the copy differs in any respect from the original) including, without limiting the generality of the foregoing, letters, correspondence, notes, tapes, microfilms, telegrams, notes and sound recordings, minutes of directors' meetings and of committee meetings, minutes of all other types of meetings, magnetic tapes, computer discs of any size, CDs, computer hard drives, Internet accounts, e-mails, PDAs (personal digital assistants or handheld computers), network or computer servers, memoranda of all types, inter-office

communications, studies, summaries, analyses, reports, opinions, offerings, solicitations, and results of investigations. Further, the words "Document" or "Documents" are intended to refer to any medium by which information is recorded including "papers" of any kind or character, photographs and any method or medium by which information is utilized by computers of any size or devices which utilize computer processing chips and/or megabytes.

- 1. All documentation produced, utilized and/or regarding the incorporation and the conducting of business of Associates in Counseling and Child Guidance, Inc.**
- 2. All financial documentation of Associates in Counseling and Child Guidance, Inc.**
- 3. All documentation produced, utilized and/or regarding the incorporation and the conducting of business of Associates in Child Guidance, Inc.**
- 4. All financial documentation of Associates in Child Guidance, Inc.**

Issued by the  
**UNITED STATES DISTRICT COURT**

WESTERN

DISTRICT OF

PENNSYLVANIA

MARY L. WHITE

V.

SHAYEN A. GEORGE, M.A.

**SUBPOENA IN A CIVIL CASE**

CASE NUMBER: 00-2466

This subpoena is invalid, and imposes no duty on the person served to appear anywhere, if it was not served together with the fees for one day's attendance and mileage. FURTHER, this subpoena imposes no duty on anyone to produce documents or things at his or her own expense.

TO: Black, Bashor & Porsch, LLP  
270 East Connelly Boulevard  
Sharon, PA 16146-1852

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

(See Attached Exhibit "A")

PLACE

270 East Connelly Blvd., Sharon, PA 16146-1852

DATE AND TIME

September 5, 2001  
10:00 a.m.

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

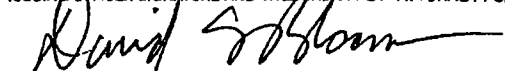
PREMISES

DATE AND TIME

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ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE



Attorney for Plaintiff

August 22, 2001

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

David S. Bloom, Esquire, 428 Blvd. of the Allies, Pittsburgh, PA 15219

(See Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D on Reverse)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

EXHIBIT

D

**PROOF OF SERVICE**

SERVED	August 22, 2001	270 East Connelly Boulevard Sharon, PA 16146-1852
SERVED ON (PRINT NAME)	Black, Bashor & Porsch, LLP	MANNER OF SERVICE United States Mail, Restricted Delivery, Certified Mail, Return Receipt Requested
SERVED BY (PRINT NAME)	David S. Bloom, Esq.	TITLE Attorney for Plaintiff

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on August 22, 2001  
 DATE

  
 SIGNATURE OF SERVER

428 Boulevard of the Allies  
 ADDRESS OF SERVER

Pittsburgh, PA 15219

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARY L. WHITE,

Plaintiff,

vs.

SHAYEN A. GEORGE, M.A.,

Defendant.

CIVIL

CHIEF JUDGE ZIEGLER  
MAGISTRATE JUDGE MITCHELL

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JURY TRIAL DEMANDED

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communications, studies, summaries, analyses, reports, opinions, offerings, solicitations, and results of investigations. Further, the words "Document" or "Documents" are intended to refer to any medium by which information is recorded including "papers" of any kind or character, photographs and any method or medium by which information is utilized by computers of any size or devices which utilize computer processing chips and/or megabytes.

- 1. All documentation produced, utilized and/or regarding the incorporation and the conducting of business of Associates in Counseling and Child Guidance, Inc.**
- 2. All financial documentation of Associates in Counseling and Child Guidance, Inc.**

Sep-28-00 16:38 Anthony DiSanto

717-232-6248

P.02

Print Key Output

5769SS1 V4R4M0 990521

DOS400

09/28/00 Page 1  
15:02:22

Display Device . . . . . : CORP1TR03

User . . . . . : DOSIC03

COR809

DISPLAY BASIC ENTITY INFORMATION  
INCORPORATED BUSINESS

9/28/00 15:02:21

ENTITY#: 2960074

TYPE: AIB BKDOWN TYPE: B

CONSENT: N

FILED: 8 29 2000 SPECIFIED EFF:

CURRENT: FAMILY COUNSELING AND CHILDREN'S SERVICES, INC.

ORIGINAL: FAMILY COUNSELING AND CHILDREN'S SERVICES, INC.

ADDRESS: 76 JEFFERSON AVE STE C

CITY: SHARON

STATE: PA

ZIP: 16146

COUNTY: 43 CNTRY/JURIS: PA

PURP/DESC/CMNT: BROAD

LTD AUTH: N

LTD/INC TERM: PERP

ADNL PRTNR: 1

F3=EXIT

F12=RETURN

ENTER=MORE...

;



Sep-28-00 16:38 Anthony DiSanto

717-232-6248

P.03

Print Key Output

5769SS1 V4R4M0 990521

DOS400

Page 1  
09/28/00 15:02:24

Display Device . . . . . : CORP1TR03

User . . . . . : DOSIC03

COR811 . . . . . DISPLAY CORPORATE OFFICERS . . . . . 9/28/00 15:02:23

ENTITY#: 2960074 . . . . . REPORT FILED AS OF: 8 29 2000

NAME: FAMILY COUNSELING AND CHILDREN'S SERVICES, INC.

CHIEF EXECUTIVE OFFICER: MARY L WHITE

VICE PRESIDENT:

SECRETARY:

TREASURER:

MAILING ADDRESS: 76 JEFFERSON AVE STE C

SHARON

PA 16146

F3=EXIT F12=RETURN f17=ADDRESS WINDOW ENTER=MORE...

Sep-28-00 16:38 Anthony DiSanto

717-232-6248

P.04

Print Key Output

5769SS1 V4R4M0 990521

DOS400

Page 1  
09/28/00 15:02:26

Display Device . . . . . : CORP1TR03

User . . . . . : DOSIC03

COR812

DISPLAY INSTRUMENT HISTORY

9/28/00 15:02:25

ENTITY#: 2960074

NAME: FAMILY COUNSELING AND CHILDREN'S SERVICES, INC.

TYP ROLL START-END COMMENTS

DATE

AIB 2000066 851 852

8 29 2000

END OF INSTRUMENT HISTORY LIST REACHED

F3=EXIT

F12=RETURN ENTER=MORE PAGE DOWN=PRIOR PAGE UP=NEXT

Sep-28-00 16:39 Anthony DiSanto

717-232-6248

P.05

Aug-28-00 2:47 From T-418 P 03/12 T-046  
Microfilm Number 200066-851 Filed with the Department of State on AUG 29 2000

Entity Number 200066-851

*Kim Diggins*

Secretary of the Commonwealth

ARTICLES OF INCORPORATION FOR PROFIT  
OF

FAMILY COUNSELING AND CHILDREN'S SERVICES, INC.

Name of Corporation

A TYPE OF CORPORATION INDICATED BELOW

Indicate type of domestic corporation:

- ☒ Business-stock (15 Pa.C.S. 1306) ☐ Management (15 Pa.C.S. 2702)  
☐ Business-nonstock (15 Pa.C.S. 2102) ☐ Professional (15 Pa.C.S. 2903)  
☐ Business-statutory close (15 Pa.C.S. 2303) ☐ Insurance (15 Pa.C.S. 3101)  
☐ Cooperative (15 Pa.C.S. 7102)

DSCB:15-1306/2102/2303/2702/2903/3101/7102A (Rev 91)

In compliance with the requirements of the applicable provisions of 15 Pa.C.S. (relating to corporations and unincorporated associations) the undersigned, desiring to incorporate a corporation for profit hereby state(s) that:

1. The name of the corporation is: FAMILY COUNSELING AND CHILDREN'S SERVICES, INC.

2. The (a) address of this corporation's initial registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is:

(a) 76 JEFFERSON AVENUE SUITE C SHARON PA 15146 MERCER  
Number and Street City State Zip County

(b) c/o. \_\_\_\_\_  
Name of Commercial Registered Office Provider County

For a corporation represented by a commercial registered office provider, the county in (b) shall be deemed the county in which the corporation is located for venue and official publication purposes.

3. The corporation is incorporated under the provisions of the Business Corporation Law of 1988.

4. The aggregate number of shares authorized is: 10,000 (other provisions if any, attach 8 1/2 x 11 sheet)

The name and address, including number and street if any, of each incorporator is:  
Name Address

DANIEL J. MCNUITY, ESQUIRE FELDSTEIN GRINBERG STEIN & MCKEE  
426 BOULEVARD OF THE ALLIES, PITTSBURGH, PA 15219

602303031

Sep-28-00 16:39 Anthony DiSanto

717-232-6248

P.06

Aug-28-00 08:47

From-

T-410 P 04/12 F-046

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CERTIFICATION PURSUANT TO LOCAL RULE 7.1

I HEREBY CERTIFY that Brian Must, Esquire, Co-Counsel for Shayen A. George, M.A., contacted Attorney Stanley Stein on August 30, 2001 concerning withdrawal of the Subpoenas directed to third parties. Attorney Stein would not withdraw the Subpoenas. Accordingly, counsel for Associates in Counseling and Child Guidance, Inc. notified Attorney Stein's Office that a Motion to Quash and Motion for Protective Order would be filed prior to the commencement of the depositions in accordance with the Federal Rules of Civil Procedure.

JONES, GREGG, CREEHAN & GERACE, LLP

BY:

  
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JOHN P. CORCORAN, JR. ESQUIRE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within  
MOTION FOR PROTECTIVE ORDER was served upon the following  
parties, on this 4<sup>th</sup> day of September, 2001 by First Class Mail,  
Postage Prepaid:

STANLEY M. STEIN, ESQUIRE  
FELDSTEIN GRINBERG STEIN & MCKEE  
428 BOULEVARD OF THE ALLIES  
PITTSBURGH, PA 15219  
(COUNSEL FOR PLAINTIFF)

BRIAN T. MUST, ESQUIRE  
METZ SCHERMER & LEWIS, LLC  
11 STANWIX STREET  
PITTSBURGH, PA 15222

JONES, GREGG, CREEHAN & GERACE, LLP

BY: 

JOHN P. CORCORAN, JR., ESQUIRE